

PHILLIP A. TALBERT
United States Attorney
ADRIAN T. KINSELLA
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO CASTRO BAZAN,

Defendant.

CASE NO. 2:21-CR-00196-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 17, 2022, before District Judge Troy L. Nunley. Time has been excluded until this date. ECF No. 34.

2. On April 28, 2022, a federal grand jury in the Southern District of California returned an indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*, 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022, and remains in pretrial custody in the Southern District of California for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52.

3. On August 25, 2022, this case was reassigned to the District Judge Dale A. Drozd. ECF No. 35.

1 4. By this stipulation, defendant now moves to continue the status conference until May 23,
2 2023, and to exclude time between November 17, 2022, and May 23, 2023, under Local Codes T4 and
3 M.

4 5. The parties agree and stipulate, and request that the Court find the following:

5 a) The government has represented that the discovery associated with this case
6 includes investigative reports, undercover surveillance footage, recorded calls in English and
7 Spanish, phone records and other evidence. The government has represented that it will soon
8 provide supplemental discovery to the defendant consisting of additional reports of investigation
9 and criminal history records.

10 b) Counsel for defendant desires additional time to consult with her client, review
11 the current charge, to conduct investigation and research related to the charge, to review and
12 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

13 c) Counsel for defendant believes that failure to grant the above-requested
14 continuance would deny her the reasonable time necessary for effective preparation, taking into
15 account the exercise of due diligence.

16 d) The government does not object to the continuance.

17 e) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of November 17, 2022 to May 23,
22 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
23 T4] because it results from a continuance granted by the Court at defendant's request on the basis
24 of the Court's finding that the ends of justice served by taking such action outweigh the best
25 interest of the public and the defendant in a speedy trial.

26 g) Given the defendant's current unavailability as a result of his pretrial custody in
27 another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local
28 Code M].

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 9, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: November 9, 2022

/s/ NOA OREN
NOA OREN
Counsel for Defendant
FERNANDO CASTRO BAZAN

ORDER

IT IS SO ORDERED.

Dated: November 9, 2022

Dale A. Drozd
UNITED STATES DISTRICT JUDGE